

To: StClair, Christie[StClair.Christie@epa.gov]
Cc: Hull, George[Hull.George@epa.gov]
From: Grantham, Nancy
Sent: Thur 10/22/2015 8:26:36 PM
Subject: FW: DOI GKM Review Clips

She got our statement right? Can you also send her the other comment? Thanks ng

From: Bressler, Lindsey
Sent: Thursday, October 22, 2015 4:18 PM
To: StClair, Christie <StClair.Christie@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Harrison, Melissa <Harrison.Melissa@epa.gov>; Purchia, Liz <Purchia.Liz@epa.gov>; Hull, George <Hull.George@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>; Cohen, Nancy <Cohen.Nancy@epa.gov>; Allen, Laura <Allen.Laura@epa.gov>
Subject: RE: DOI GKM Review Clips

Washington Times

<http://www.washingtontimes.com/news/2015/oct/22/epa-mine-spill-was-preventable-not-inevitable/>

EPA mine spill was preventable, not inevitable

By Valerie Richardson - The Washington Times - Thursday, October 22, 2015

DENVER — The Environmental Protection Agency botched the cleanup effort at the Gold King Mine by rushing to complete the job instead of taking precautions that would have prevented the disastrous toxic spill into the Animas River.

A 132-page report released Thursday by the Interior Department and Bureau of Reclamation found that the Aug. 5 accident was not “likely inevitable,” as the EPA’s own internal review had concluded, but could have been avoided if the agency had followed engineering practices used at other inactive mines.

According to the report, the agency committed a pivotal error by failing to gauge the level of wastewater behind the collapsed rock and soil at the mine, which could have been done by using a drill rig to “bore into the mine from above and directly determine the level of the mine pool prior to excavating backfill at the portal.”

Such a procedure was used successfully in a 2011 reclamation project at the nearby Red and Bonita Mine.

“Although this was apparently considered at Gold King, it was not done,” said the report. “Had it been done, the plan to open the mine would have been revised, and the blowout would not have occurred.”

The report, which was peer-reviewed by the U.S. Geological Survey and the Army Corps of Engineers, was significantly tougher on the EPA than its own internal review team, which found that the blowout “was likely inevitable” and praised the agency’s quick action afterward in avoiding fatalities.

The EPA review also defended the decision not to use a drill rig to determine the water level behind the debris, saying it “would have been quite costly and require much more planning and multiple field seasons to accomplish.”

“Although difficult and therefore expensive and technically challenging, this procedure may have been able to discover the pressurized conditions that turned out to cause the blowout,” said the EPA report.

That review, released Aug. 24, came three weeks after an EPA-led crew accidentally unleashed 3 million gallons of toxic wastewater into the Animas River near Silverton, Colorado, turning the water orange and cutting off water supplies to communities downstream.

The uproar over the spill prompted a visit and an apology from EPA administrator Gina McCarthy, as well as promises to clean up the damage and reimburse farmers, ranchers and businesses for their losses.

The more extensive Interior Department investigation also concluded that EPA officials pay too little attention to the engineering challenges associated with mining reclamation projects in their zeal to address the environmental damage from the hundreds of abandoned mines from the Gold Rush that dot Colorado and the West.

“The current state of practice appears to focus attention on the environmental issues,” said the report. “Abandoned mine guidelines and manuals provide detailed guidance on environmental sampling, waste characterization, and water treatment, with little appreciation for the engineering complexity of some abandoned mine projects that often require, but do not receive, a significant level of expertise.”

Sen. Cory Gardner, Colorado Republican, said he was “deeply troubled” by the report’s conclusion that the spill could have been prevented.

“I fully expect accountability and transparency from the EPA, and I look forward to a response to my questions surrounding the EPA’s insufficient and untimely recovery efforts and its proactive measures to prevent a disaster of similar magnitude in the future,” Mr. Gardner said.

From: Bressler, Lindsey

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Wall Street Journal

<http://www.wsj.com/articles/government-report-lack-of-expertise-caused-colorado-mine-spill->

Government Report: Lack of Expertise Caused Colorado Mine Spill

Interior Department report says team contracted by EPA underestimated toxic water built up inside mine

By AMY HARDER And DAN FROSCHE

Oct. 22, 2015 3:55 p.m. ET

WASHINGTON—The U.S. government has concluded that a lack of technical expertise was the driving factor behind a rupture that spilled three million gallons of toxic water into a Colorado river in August as the Environmental Protection Agency was trying to clean up an abandoned gold mine.

Interior Department investigators said in a report Thursday that a project team contracted by the EPA didn't correctly analyze the status of the abandoned mine, underestimating the toxic water that had built up inside.

"This error resulted in development of a plan to open the mine in a manner that appeared to guard against blowout, but instead led directly to the failure," according to the report, written by officials at the department's Bureau of Reclamation.

The document, the first comprehensive federal report on the Aug. 5 mine blowout, directly blames EPA, which has apologized for the accident. But it also said a series of events over decades contributed to the circumstances at the mine, which are similar to those at other abandoned mines across the West.

The Interior Department's findings echo a preliminary report EPA issued a few weeks after the

spill, which also concluded the agency underestimated the amount of water built up in the mine.

Nancy Grantham, a spokeswoman for EPA, said the agency will review the report.

“This report, in combination with the findings of EPA’s internal review of the incident, will help inform EPA’s ongoing efforts to work safely and effectively at mine sites,” Ms. Grantham said in an email.

The three million gallons of toxic water that spilled from the abandoned gold mine turned Colorado’s Animas River a mustard hue, and for days it tainted the water supply of many downstream users, including farmers and the Navajo nation.

EPA Administrator Gina McCarthy, who was criticized for not responding more quickly, toured the affected areas a week after the rupture and suspended similar investigative fieldwork at mine sites nationwide.

Thursday’s report presented a grim snapshot of the nation’s broader effort to clean up abandoned mines, of which there are thousands across the West.

“The incident at Gold King Mine is somewhat emblematic of the current state of practice in abandoned mine remediation,” according to the report. “The conditions and actions that led to the Gold King Mine incident are not isolated or unique, and in fact are surprisingly prevalent.”

The report finds that abandoned mine guidelines and manuals, a patchwork of documents spread out across federal and state governments, provide guidance with “little appreciation for the engineering complexity of some abandoned mine projects that often require, but do not receive, a significant level of expertise.”

In its report, the Interior Department didn’t name the contractor, Environmental Restoration LLC, that was working with EPA to clean up the mine.

Tweets

Matt Dempsey @MDempseyDC

Interior report: lack of understanding of mine engineering issues "led directly" to EPA's mine spill in Colorado reports @alexcguillen

Anthony Adragna @AnthonyAdragna

EPA mine spill could have been prevented. <http://bit.ly/1MGR8EE>

Grace Hood @gracehood

.@Interior's independent review of #goldkingmine spill is out today:
<http://www.usbr.gov/docs/goldkingminereport.pdf>

Denver CO @DenveRRCO

Gold King review: EPA did not understand disaster potential before spill
<http://www.rightrelevance.com/search/articles/hero?article=13d2479e84582166f15bfd07b2c88e06df0d7b37&q>

Timothy Cama @Timothy_Cama

From Gold King Mine report, this seems to give some credit to the 'likely inevitable' angle
<https://pbs.twimg.com/media/CR8eslcUAAAhubA.png>

Douglas County GOP @DougCOGOP

.@EPA mine spill could have been prevented at Gold King mine #copolitics #StopTheEPA
http://www.denverpost.com/ci_29007932/apnewsbreak-epa-mine-spill-could-have-been-prevented

Josh Voight @JoshVoightNews

The @EPA says the Colorado mine spill was preventable. NO WAY! I can't believe it!

The Hill @thehill

Federal probe: EPA could have prevented Colorado mine spill <http://hill.cm/DkYVmfp>

From: Bressler, Lindsey

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Subject: RE: DOI GKM Review Clips

Durango Herald (CO)

<http://www.durangoherald.com/article/20151022/NEWS01/151029863/Mining-reclamation-requires-funding->

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Mining reclamation requires funding

Panel advocates for both good samaritan measure and funding

By Peter Marcus Herald staff writer Article Last Updated: Thursday, October 22, 2015 1:25pm

Water flows out of the American Tunnel in the Gladstone area north of Silverton where the Animas River Stakeholders Group wants to eliminate toxic waste from four closed mines.

Mining reclamation experts this week told a congressional panel that good samaritan legislation and funding for restoration efforts are “inseparably tied together.”

The comments came during a hearing Wednesday on good samaritan cleanups of abandoned mines, held by the House Subcommittee on Water Resources and Environment.

Much of the hearing focused on the August Gold King Mine spill, in which an error by an Environmental Protection Agency-contracted team caused an estimated 3 million gallons of mining sludge to pour into the Animas River.

In the wake of the Gold King incident, Congress has taken a look at how to address tens of thousands of inactive leaking mines across the nation. At least 23,000 mines have been identified in Colorado alone.

The debate has hit familiar political currents, with Republicans pushing back against efforts to collect fees and royalties from hard-rock mining to fund restoration efforts. Instead, the GOP favors legislative efforts to eliminate liability concerns for private entities – referred to as good samaritans – who want to independently restore inactive mines.

But experts who have been actively involved in the debate said the two proposals are not mutually exclusive, suggesting that there is a need for both efforts.

“The lesson from Gold King is not so much that an EPA contractor screwed up, as it is that we need to have a much greater sense of urgency about addressing the problem of pollution from abandoned mines all across the nation,” said Chris Wood, president and chief executive of Trout Unlimited.

Republicans on the committee pushed back, highlighting that good samaritan legislation might be the only pragmatic thing to consider.

“Would you prefer having no cleanup be performed at an abandoned mine site, or having a good samaritan perform a cleanup?” asked Rep. Todd Rokita of Indiana.

Lauren Pagel, policy director for Earthworks, said it is not an either/or conversation.

“I would hope we could also get good samaritans additional funding from reclamation funds to do these cleanups,” Pagel said.

Doug Young, senior policy director for the Keystone Policy Center in Colorado, cautioned against repeating the same discussions from the past, encouraging lawmakers to steer away from addressing the issue through the Clean Water Act.

Instead, Young suggested taking a look at reforms to the federal Superfund program, which targets blighted areas. He also advocated for offering incentives to good samaritans to bring their own resources.

“I agree this is a major funding issue,” Young said. “I just think there’s a way we can do this without directly having to assess a fee or royalty.”

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Subject: RE: DOI GKM Review Clips

Denver Post (CO)

http://www.denverpost.com/news/ci_29008075/gold-king-review-epa-did-not-understand-disaster

Review: Gold King Mine spill was preventable, disaster potential not understood

Department of Interior review says EPA did not know what loomed in the Gold King

By Jesse Paul

POSTED: 10/22/2015 12:28:11 PM MDTADD A COMMENT| UPDATED: ABOUT 2 HOURS AGO

The 132-page Department of Interior report strays from an EPA internal review of the disaster in August that claimed the massive release was "inevitable."

The Interior report highlights, specifically, that the EPA failed to understand impounded fluid in the mine and the groundwater system affecting the Gold King area.

That "misinterpretation of the groundwater conditions," and the decision not to drill into the mine's collapsed opening to test pressure, led to the massive release. Had the drilling been completed as it was at a nearby mine, the report says, the disaster would not have happened.

"Although this (drilling) was apparently considered at Gold King, it was not done," according to the review. "Had it been done, the plan to open the mine would have been revised, and the blowout would not have occurred."

The interior department's report also says the EPA also did not know the potential for disaster at the site and the possible environmental impacts downstream.

"The incident at Gold King Mine is somewhat emblematic of the current state of practice in abandoned mine remediation," according to the report.

While there are various guidelines for mine reopening work, there is "little in actual written requirements that government agencies are required to follow," the review said.

The 3 million-gallon spill above Silverton on Aug. 5 left the EPA facing immense criticism as yellow-orange contaminants flowed from the Animas River across the southwest. In the disaster's wake, the agency has been working to address the still-leaching mine and other area portals that are releasing contaminants.

The interior department's report was peer reviewed by the United States Geological Survey and Army Corps of Engineers.

The EPA last week began temporary water treatment operations at the Gold King site last week.

This is a developing story that will be updated as more information becomes available.

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The Hill

<http://thehill.com/policy/energy-environment/257780-federal-probe-epa-mine-spill-was-preventable>

Federal probe: EPA mine spill was preventable

By Timothy Cama - 10/22/15 02:51 PM EDT

Federal experts are blaming the Environmental Protection Agency (EPA) for a major mine wastewater spill in Colorado.

Investigators with the Interior Department, who were charged with independently probing the August spill, reported Thursday that the EPA rush through the engineering work leading up to the incident and did not understand the complexity of the abandoned Gold King Mine.

The Thursday report contrasts with one completed in August by the EPA, finding that the blowout of 3 million gallons of dangerous sludge was “likely inevitable.”

Interior’s Bureau of Reclamation found that the EPA, Colorado officials and a contractor decided against drilling a borehole horizontally into the mine, above the pooled wastewater, to determine its volume and pressure.

“This error resulted in development of a plan to open the mine in a manner that appeared to guard against blowout, but instead led directly to the failure,” the report said.

The EPA was roundly criticized after the spill by officials in Colorado and Utah and congressional Republicans, who said the incident showed incompetence and hypocrisy on the EPA’s part.

The heavy metal-laden sludge flowed into a tributary of the Animas River near Silverton, Colo., turning it bright orange and closing it and downstream rivers for days. The agency and its head Gina McCarthy quickly took responsibility for the spill.

The EPA, which requested the report days after the spill, said it would review it carefully.

“This report in combination with the findings of EPA’s internal review of the incident, will help inform EPA’s ongoing efforts to work safely and effectively at mine sites as we carry out our mission to protect human health and the environment,” spokeswoman Nancy Grantham said.

Thursday's report additionally found that spills similar to the Colorado mine could easily happen.

"BOR found that the conditions and actions that led to the Gold King Mine incident are not isolated or unique and are, in fact, surprisingly prevalent," the report said. "The standards of practice for reopening and remediating flooded inactive and abandoned mines are inconsistent from one agency to another."

Richard Olson, an engineer with the Army Corps of Engineers who reviewed the report before it was released, told investigators that he wanted to investigate more about how communications at the EPA broke down about the mine cleanup, and how that contributed to the incident.

But Interior argued that its report should only cover the technical aspects of the spill, so it did not probe communications.

Washington Examiner

<http://www.washingtonexaminer.com/feds-say-epa-to-blame-for-toxic-spill/article/2574710>

Feds say EPA to blame for toxic spill

By JOHN SICILIANO • 10/22/15 2:38 PM

The Interior Department is blaming the Environmental Protection Agency for a 3-million gallon spill of toxic sludge that sullied the waterways of three states.

Government investigators say the spill at the King Gold Mine in Colorado was caused when a

cleanup crew rushed its work, triggering the blowout it hoped to avoid, the Associated Press reported, which obtained a copy of the agency's report on the investigation.

The probe by the Interior Department found the spill would have been avoided if the EPA had checked on the water levels before digging into the mine, according to AP.

The findings will be released later Thursday.

The report is being issued after House Republicans held a hearing Wednesday on the spill, prodding an EPA official on why no one at the agency has been disciplined or fired for causing the disaster.

Tweets

Chicago Tribune @chicagotribune

Investigators: EPA to blame for 3 million gallon wastewater spill from Colorado gold mine
<http://trib.in/1GX3978>

Rep. Bob Gibbs @RepBobGibbs

The Gold King Mine spill could have been prevented according to @Interior, EPA must hold those involved accountable <http://abcnews.go.com/US/wireStory/apnewsbreak-epa-mine-spill-prevented-34658258>

Colorado Senate GOP @ColoSenGOP

Latest from @AP on #EPA spill probe:
http://www.denverpost.com/news/ci_29007932/apnewsbreak-epa-mine-spill-could-have-been-prevented?source=top_stories_bar Says fiasco could have been prevented. #copolitics @epa #tcot

1sergeant rock @1sergeant_rock

Should we expect more from this administration ~ Has EPA fired anyone for last summer's toxic spill?

http://www.americanthinker.com/blog/2015/10/has_epa_fired_anyone_for_last_summers_toxic_spill.html#.Vik
#MakeDCListen

Denver Post Breaking @DenverPostBrk

Gold King review: EPA did not understand disaster potential before spill <http://dpo.st/1PDFY9Z>

CO Attorney General @COAttnyGeneral

Gov investigators blame #EPA for #GoldKingMine spill, according to new report. Says officials knew potential for blowout. #AnimasRiverSpill

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Subject: RE: DOI GKM Review Clips

Tweets

ABC15 Arizona @abc15

EPA mine spill could have been prevented, government investigators say <http://bit.ly/1LIqnjt>
#abc15

The Associated Press @AP

BREAKING: APNewsBreak: Government probe concludes EPA missed chance to prevent Colorado mine spill.

Reclamation @usbr

Interior Department Delivers Gold King Mine Technical Assessment to Environmental Protection Agency. <http://on.doi.gov/1Mc3avw> #GoldKingMine

Linda Shapley @LindaShapley

Interior Department probe blames EPA actions for #GoldKing mine spill <http://dpo.st/1RqNGS6> via @denverpost

Justin Regan @JustinReganAZ

@AP reports: DOI says the Gold King Mine spill could have been avoided if EPA checked water levels before digging.

The Denver Post @denverpost

JUST IN: Investigators squarely place blame for Gold King Mine spill on EPA: <http://dpo.st/1GteWPq> via @AP

Jon Sicil @JohnDSiciliano

EPA to blame for toxic spill in Colorado, says @Interior. Investigation being released soon.

Alan Neuhauser @alneuhauser

The Interior Dept. investigation "directly refutes" EPA officials' claim that the spill was "likely inevitable"

7NEWS Denver Channel @DenverChannel

Gold King Mine spill in Silverton could have been prevented by EPA, Interior Dept. review finds - <http://www.thedenverchannel.com/news/mine-disaster/gold-king-mine-spill-in-silverton-could-have-been-prevented-by-epa-interior-dept-review-finds>

Rep. Bill Huizenga @RepHuizenga

BREAKING: EPA faulted for mine spill in Colorado, federal investigators say spill could have been prevented [#tcot](http://bigstory.ap.org/article/7d8b2899205646fcbe5f62bc35c29554/apnewsbreak-epa-mine-spill-could-have-been-prevented)

The Washington Times @wtimespolitics

APNewsBreak: Government probe concludes EPA missed chance to prevent Colorado mine spill <http://ow.ly/35ZiWc>

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Associated Press (Update at 2:01 pm – Longer Story)

<http://bigstory.ap.org/article/7d8b2899205646fcbe5f62bc35c29554/apnewsbreak-epa-mine-spill-could-have-been-prevented>

BILLINGS, Mont. (AP) — Government investigators squarely blamed the U.S. Environmental Protection Agency Thursday for a 3 million gallon wastewater spill from a Colorado gold mine, saying an EPA cleanup crew rushed its work and failed to consider the complex engineering

involved, triggering the very blowout it hoped to avoid.

The spill that fouled rivers in three states would have been avoided had the EPA team checked on water levels inside the Gold King Mine before digging into its entrance, Interior Department investigators concluded.

The Associated Press obtained the findings on the Aug. 5 spill on Thursday prior to their public release. The report has implications across the United States, where hundreds of thousands of abandoned mines have yet to be cleaned up.

The report found that the root causes of the accident began several decades earlier, with changes made by mining companies that altered the flow of groundwater through a series of interconnected tunnels in the extensively mined Upper Animas River watershed.

EPA documents show its officials knew of the potential for a major blowout from the Gold King Mine near Silverton as early as June 2014. EPA officials described the blowout as "likely inevitable" because so much water had built up inside the mine.

The Interior report directly refutes that assertion and says the cleanup team could have used a drill rig to bore into the mine from above to gauge the danger of a blowout.

"This error resulted in development of a plan to open the mine in a manner that appeared to guard against blowout, but instead led directly to the failure," according to engineers from Interior's Bureau of Reclamation who spent two months evaluating the technical circumstances surrounding the accident.

The engineers stopped short of assigning fault to any individuals, despite prior claims from EPA Administrator Gina McCarthy that the probe would determine if any negligence was involved.

A U.S. Army Corps of Engineers official who reviewed the report expressed "serious

reservations" over the EPA's failure to explain exactly how its communications broke down, or to justify why its officials were so insistent on starting the work without more information about the engineering complexities involved.

A separate investigation into the spill is pending from the EPA Inspector General's Office.

EPA officials did not immediately respond to a request for comment on the report.

The accident fouled rivers in Colorado, Utah and New Mexico, temporarily shutting down drinking water supplies and cropland irrigation.

Guidelines for cleaning up such mines focus on details such as water sampling and treatment. Yet they have "little appreciation for the engineering complexity" and require but don't receive significant expertise, the Interior Department's 132-page report concluded.

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Subject: RE: DOI GKM Review Clips

ABC 7 News, The Denver Channel (CO)

<http://www.thedenverchannel.com/news/mine-disaster/gold-king-mine-spill-in-silverton-could-have-been-prevented-by-epa-interior-dept-review-finds>

Gold King Mine spill in Silverton could have been prevented by EPA, Interior Dept. review finds

Deb Stanley, TheDenverChannel.com Team

12:09 PM, Oct 22, 2015

SILVERTON, Colo. - Government investigators are blaming the U.S. Environmental Protection Agency for a 3 million gallon wastewater spill from a Silverton gold mine, saying a cleanup crew rushed its work and failed to consider the complex engineering involved, triggering the very blowout it hoped to avoid.

The Interior Department probe concludes that the spill that fouled rivers in three states would have been avoided had the EPA team checked on water levels before digging into the mine.

The Associated Press obtained the investigation's findings on the spill prior to their public release on Thursday. The 132-page report has implications across the United States, where hundreds of thousands of abandoned mines have yet to be cleaned up.

Timeline of spill

Documents and photos released by the Environment Protection Agency (EPA) in late August show how a small leak at the Gold King Mine exploded into a massive spill in a matter of minutes.

The EPA admitted crews were lucky to escape with their lives.

A private contractor was trying to pipe contaminated water from the Gold King Mine to a nearby water treatment system when the spill happened on August 5.

Crews were using heavy equipment to remove loose dirt above the entrance of the collapsed mine on the morning of the spill, the documents show.

According to a detailed timeline from the EPA, at 10:51 a.m. "a small leak was observed approximately 15 to 20 feet above the anticipated elevation of the floor of the wall."

Within three minutes, at 10:54 a.m., "the hole begun to enlarge and water was pouring out."

Four minutes later at 10:58 a.m., the timeline stated "the hole had expanded significantly" and the "access road had begun to wash away" as three million gallons of mine waste poured out.

IN-DEPTH: Complete, ongoing coverage of the disaster

A vehicle belonging to the crew members was caught in the yellow-orange mine sludge, the documents showed.

As the spill was happening, it took the contractor more than an hour to notify anyone downstream including the EPA.

Crews were able to evacuate the mine site in time but said in an email to the EPA that there was no cell or satellite service. They had to use two-way radios to reach nearby crews. Those crews then got in touch with the state who made the proper notifications.

At about 2:00 p.m., the report stated the "flow steadily declined" and crews were able to reconstruct the road.

The EPA has said it did not have an emergency plan in place in case of a blowout, which may have played a role in why it took so long for crews to notify the state.

Lawmakers grill the EPA

Lawmakers have had several hearings since the spill. On September 16, EPA Chief Gina McCarthy defended the EPA's actions, but took responsibility for the Aug. 5 spill.

"This was a tragic and unfortunate incident and EPA has taken responsibility to ensure that we clean it up appropriately," said McCarthy.

"This is a disaster on many levels to our water, to our economy, to our culture," said Sen. Tom Udall (D-NM).

"There's no denying they caused this spill and that was entirely unacceptable," said Sen. Michael Bennet (D-Colo).

Cleanup at the Gold King Mine could end up costing taxpayers more than a billion dollars.

From: Bressler, Lindsey

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Associated Press

<http://bigstory.ap.org/article/7d8b2899205646fcbe5f62bc35c29554/apnewsbreak-epa-mine-spill-could-have-been-prevented>

EPA mine spill could have been prevented

By MATTHEW BROWN

Oct. 22, 2015 1:49 PM ED

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The Associated Press obtained the investigation's findings on the Aug. 5 spill prior to their public release on Thursday. The 132-page report has implications across the United States, where hundreds of thousands of abandoned mines have yet to be cleaned up.